IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL.

Criminal Revision No. 201/ 2001
(Old No. 466/1993)

Mahendra Kumar Goel ….Revisionist.

Vs.

1- State
2- Smt. Neera Goel W/o Mahendra Kumar Goel ..Respondents.

Hon. Irshad Hussain, J.

Heard Sri Dinesh Rawat Advocate, holding brief for Sri Lokendra Dobhal learned counsel for the revisionist and Sri G.S.Sandhu learned A.G.A. for the state.

2- This is a criminal revision against the judgment dated 28-11-1991 whereby on a petition under section 125 of the Code of Criminal Procedure the wife- respondent No.2 and minor children was awarded maintenance at the rate of Rs. 250/- each per month from the date of the application. The revisionist did not pay the maintenance allowance whereby by impugned order dated 18-1-1993 recovery proceedings by coercive measures were initiated. Perusal of both the orders reveals that there is no legal infirmity in passing the orders by the learned Magistrate. The reasons are that the evidence was on record to indicate that the respondent No.2-wife and minor children were living separately and they did have any means to maintain themselves. Therefore, the learned Magistrate was fully justified in awarding the maintenance at the rate of Rs. 250/- each to the wife and the children. When the arrears were not paid order for recovery of the same had to be passed and there was also no illegality in resorting to coercive measure of warrant against the revisionist.

3- For the reasons aforesaid there being no merit in this revision the same is liable to be dismissed. The revision is dismissed.

(Irshad Hussain, J.)

Dated: 19-12-2003

ISB